

### REMARKS

Claims 29-54 are pending in the application. Claims 29, 35, and 49 have been amended by the present amendment. The amendments are fully supported by the specification as originally filed (see, e.g., page 5, last paragraph).

As amended, claims 29 and 49 recite a portable data recording and playback device including an MP3 player connected to a headband. The MP3 player includes settings for volume, tone, and playing music titles, and these settings can be controlled based on sound signals that are captured in the microphone, recognized by the speech recognition unit, and converted into control signals for the MP3 player.

Therefore, in accordance with the Applicants' invention, the volume or tone of the MP3 player can be adjusted, and music titles selected for playback by speaking into the microphone, where voice commands are recognized by the speech recognition unit to control the MP3 player (see specification at page 5, last paragraph).

Claims 29-41, 43-45, and 48-53 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,694,467 to Young, III ("Young"). Claims 42, 46, 47, and 54 were rejected under 35 USC 103(a) as being unpatentable over Young in view of U.S. Patent 6,236,969 to Ruppert et al.

The Young reference does not teach or suggest a portable data recording and playback device in which voice commands control operation of an MP3 player. In Young, the voice recognition circuitry 28 detects verbal commands for selecting either Bypass Mode, Music Mode, or Telephone Mode in the multifunction device (see column 5, lines 40-46 of Young).

In Young, Music Source 30 is connected to Control Box 20 via a Music Feed 16 "over which the Music Source 30 transmits electrical signals representative of sound" (column 3, lines 1-3). When the device is operated in Telephone Mode, the Music Source 30 is paused, and headset 40 is connected to Phone 10 to operate as a standard telephone (see column 5, lines 4-7).

With reference to FIG. 3, verbal commands can be used to switch between Bypass Mode, Music Mode, and Telephone Mode (see column 5, lines 40-46).

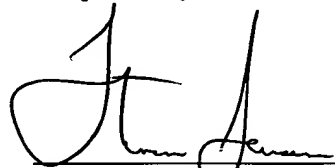
However, there is no teaching or suggestion in Young for adjusting settings on the Music Source by using verbal commands. Moreover, it would not have been obvious to modify the voice recognition circuitry 28 of Young to somehow adjust settings of the Music Source 30. Such a modification would have required the use of sophisticated voice recognition software, which is not taught or suggested by Young.

In contrast, the Applicants' claimed invention provides a portable data recording and playback device which enables an MP3 player to be adjusted by voice commands, which can change the volume or tone, or select music titles for playback on the MP3 player. The Applicants' claimed invention, as embodied in claims 29 and 49, is neither taught nor suggested by Young or any other known prior art.

For at least the reasons discussed above, Young does not anticipate or otherwise render obvious the Applicants' claimed invention.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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